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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

v.

PETER GERACE, JR.,

Defendant.

Case No. 1:19-cr-227
1:23-cr-37
(LJV)

December 9, 2024

**TRANSCRIPT EXCERPT - EXAMINATION OF R.A. (PW 6) - DAY 2
BEFORE THE HONORABLE LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE**

APPEARANCES:

**TRINI E. ROSS, UNITED STATES ATTORNEY
BY: JOSEPH M. TRIPI, ESQ.
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And

SOEHNLEIN LAW

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For the Defendant

PRESENT:

**KAREN A. CHAMPOUX, USA PARALEGAL
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09:57AM

09:57AM 1 (Excerpt commenced at 9:57 a.m.)

09:57AM 2 (Jury seated at 9:57 a.m.)

09:57AM 3 **THE COURT:** Good morning, everyone.

09:57AM 4 **JURORS:** Good morning.

09:57AM 5 **THE COURT:** Welcome back. I hope that except for a
09:57AM 6 few hours yesterday afternoon, everyone had a great weekend.

09:57AM 7 The record will reflect that all our jurors are present.

09:57AM 8 I remind the witness that she's still under oath.

09:57AM 9 And, Mr. Soehnlein, you may continue.

09:57AM 10 **MR. SOEHNLEIN:** Thank you, Judge.

09:57AM 11

09:57AM 12 **R.A. (PW 6),** having been previously duly called and sworn,

09:57AM 13 continued to testify as follows:

09:57AM 14

09:57AM 15 **(CONT'D) CROSS-EXAMINATION BY MR. SOEHNLEIN:**

09:57AM 16 Q. Good morning, Ms. R.A.

09:57AM 17 A. Good morning.

09:57AM 18 Q. How are you?

09:57AM 19 A. Good.

09:57AM 20 Q. I only have a few more questions.

09:58AM 21 On Friday when we were here last, you were asked some
09:58AM 22 questions about an individual named Joe Bongiovanni; do you
09:58AM 23 recall those questions?

09:58AM 24 A. Yes.

09:58AM 25 Q. Okay. And in the time that you knew Mr. Bongiovanni,

09:58AM 1 fair to say you knew him through Mr. Gerace, correct?

09:58AM 2 A. Yes.

09:58AM 3 Q. And fair to say your observations were that they had been
09:58AM 4 friends?

09:58AM 5 A. Yes.

09:58AM 6 Q. Yeah. And you never did cocaine with Mr. Bongiovanni,
09:58AM 7 correct?

09:58AM 8 A. Never.

09:58AM 9 Q. You never saw Mr. Bongiovanni do cocaine?

09:58AM 10 A. No.

09:58AM 11 Q. You never saw Mr. Gerace do coke in front of
09:58AM 12 Mr. Bongiovanni?

09:58AM 13 A. No.

09:58AM 14 Q. And you never heard Mr. Gerace say that he was giving a
09:58AM 15 bribe to Mr. Bongiovanni?

09:58AM 16 A. Never.

09:58AM 17 Q. You never heard Mr. Gerace say that Mr. Bongiovanni was
09:58AM 18 protecting him?

09:58AM 19 A. Never.

09:58AM 20 Q. He never gave you an envelope of cash to give to
09:58AM 21 Mr. Bongiovanni?

09:58AM 22 A. Never.

09:58AM 23 Q. You never witnessed him give any cash to Mr. Bongiovanni?

09:58AM 24 A. Never.

09:58AM 25 Q. Now the -- on the government's questioning on Friday,

1 there were some questions about whether or not the lead
2 prosecutor had done anything to personally offend you; do you
3 recall that?

4 A. Yes.

5 Q. And there were some questions about some of your
6 interactions with law enforcement over time, correct?

7 A. Yes.

8 Q. Do you feel that federal law enforcement has treated you
9 fairly?

10 **MR. TRIPI:** Objection, relevance.

11 **THE COURT:** Overruled.

12 **THE WITNESS:** I feel as though that in the beginning
13 of this, in 2019, they came to my work, which was something --
14 I was, like, this is not good, because I work with parolees
15 and probationers, and I had to explain to my supervisor why
16 Homeland Security Investigations and the FBI were at my place
17 of employment.

18 **BY MR. SOEHNLEIN:**

19 Q. And that was stressful for you?

20 A. Absolutely.

21 **MR. TRIPI:** Object to the leading. He's adopted this
22 witness.

23 **THE COURT:** No, overruled.

24 **BY MR. SOEHNLEIN:**

25 Q. Yeah. And -- and that impacted the way that you

1 interacted with law enforcement at that time, correct?

2 A. Yes.

3 Q. Yeah. Were you scared?

4 A. I necessarily wasn't scared. I was more -- it was more
5 toward my son, because not only that, they would come to the
6 house, my mother's home where my son was residing at the
7 time. And they would be waiting outside the house for my
8 mother to come home. And my son would call me saying that
9 they're here. And he was scared, so it kind of made me a
10 little bit, you know, uneasy.

11 **MR. SOEHNLEIN:** That's all I have. Thank you.

12 **MR. TRIPI:** I have some questions, Your Honor.

13

14 **REDIRECT EXAMINATION BY MR. TRIPI:**

15 Q. Good morning again, Ms. R.A.

16 A. Good morning.

17 Q. I have a little bit of followup based on the questions
18 that Mr. Soehnlein asked you, okay?

19 A. Um-hum.

20 Q. As I think we established on Friday, until we had
21 questioned -- I had questioned you in court, you and I have
22 never met each other; fair to say?

23 A. No, I met you before.

24 Q. I said hello, but we never engaged in a conversation; is
25 that fair?

1 A. I don't believe so. I think that before the grand jury
2 testimony, you were in the room with me. Across from me.

3 Q. Okay. Well, I asked you about Mr. Cullinane and
4 Mr. Burns, and you said you didn't remember names. Do you
5 remember that testimony from Friday?

6 A. I don't think you even asked me that. You never said
7 anything about Cullinane in or Burns directly to me.

8 **MR. TRIPI:** All right. Let's pull up her grand jury
9 transcript, Ms. Champoux.

10 **THE WITNESS:** You asked me if I was.

11 **MR. TRIPI:** There's not a question right now.

12 Let's pull up her grand jury. I'm going to see if we
13 can refresh her recollection as to who dealt with her at the
14 grand jury.

15 All right. I'm going to ask you to read that first
16 page, this is Government Exhibit 3562A.

17 And, Ms. Champoux, can we highlight the "by" portion
18 of what I've circled there? Just "by." That part.

19 **BY MR. TRIPI:**

20 Q. Okay. Do you see that there?

21 A. I do.

22 Q. Now, isn't it true that you dealt with another prosecutor
23 during your grand jury, Mr. Brendan Cullinane? Yes or no.

24 A. Who is this now?

25 Q. My question to you, ma'am, is: Does that refresh your

10:02AM 1 recollection that you dealt with --

10:02AM 2 A. No, it --

10:02AM 3 Q. -- Brendan Cullinane?

10:02AM 4 A. -- it -- it really doesn't.

10:02AM 5 Q. Okay.

10:02AM 6 A. I don't know who this gentlemen is. I mean, I thought

10:02AM 7 you were speaking of the defense, or --

10:02AM 8 Well, now that I see it --

10:02AM 9 Q. So, it's your testimony under oath that I questioned you

10:03AM 10 in grand jury and I dealt you?

10:03AM 11 A. You didn't question me in grand jury. You asked if I

10:03AM 12 ever spoke to you before, and I said yes, I have in the

10:03AM 13 office before.

10:03AM 14 **MR. TRIPI:** Okay. We'll take that down,

10:03AM 15 Ms. Champoux.

10:03AM 16 **BY MR. TRIPI:**

10:03AM 17 Q. Now, I'm going to move on to another topic for you, okay?

10:03AM 18 So let's go through the timeline of events a little bit,

10:03AM 19 okay?

10:03AM 20 A. Absolutely.

10:03AM 21 Q. Your first interview with law enforcement was on

10:03AM 22 June 26th, 2020, when you were interviewed in a car by

10:03AM 23 Geraldo Rondan and Rick Cawthard in Keenan Center Park,

10:03AM 24 correct?

10:03AM 25 A. Yes.

10:03AM 1 Q. And where is Keenan Center Park located?

10:03AM 2 A. In Lockport.

10:03AM 3 Q. And you live in Lockport, right?

10:03AM 4 A. Yes, I do.

10:03AM 5 Q. And you lived in Lockport back on June 26th, 2020,
10:04AM 6 correct?

10:04AM 7 A. Yes.

10:04AM 8 Q. And those two agents, they met you in the park, correct?

10:04AM 9 A. Yes.

10:04AM 10 Q. That was a location you chose, correct?

10:04AM 11 A. Yes.

10:04AM 12 Q. And you sat in the vehicle with them and you talked to
10:04AM 13 them?

10:04AM 14 A. I didn't sit in a vehicle with them.

10:04AM 15 Q. Where did you --

10:04AM 16 A. They sat at a picnic table with me.

10:04AM 17 Q. Oh, okay, so they sat at a picnic table in the park with
10:04AM 18 you, correct?

10:04AM 19 A. Yes.

10:04AM 20 Q. And so you came from work or from your home to the park?

10:04AM 21 A. I came from my home.

10:04AM 22 Q. Okay. So you -- you had arranged the interview over the
10:04AM 23 phone with them, correct?

10:04AM 24 **MR. SOEHNLEIN:** Your Honor, I'm just going to object
10:04AM 25 to the leading. This is redirect, this is not cross.

10:04AM 1 **MR. TRIPI:** No, this is Rule 607 and 611(c).

10:04AM 2 **THE COURT:** Yeah. Overruled.

10:04AM 3 **BY MR. TRIPI:**

10:04AM 4 Q. So --

10:04AM 5 A. I didn't talk --

10:04AM 6 Q. Let me re-ask the question, because we had a court
10:04AM 7 ruling, okay?

10:04AM 8 A. Okay.

10:04AM 9 Q. So you had to arrange where to meet with them, and you
10:04AM 10 did that over the phone?

10:04AM 11 A. No, I didn't do that over the phone.

10:04AM 12 Q. Okay. So you drove from your house to the park, you sat
10:04AM 13 at a picnic bench, and those two individuals met you,
10:04AM 14 correct?

10:05AM 15 A. Yes.

10:05AM 16 Q. You voluntarily drove from your house to the park and sat
10:05AM 17 and met with them, true?

10:05AM 18 A. Yes.

10:05AM 19 Q. They were polite to you, correct?

10:05AM 20 A. They were polite.

10:05AM 21 Q. They were professional, correct?

10:05AM 22 A. Yes.

10:05AM 23 Q. You sat and talked to them for a little while, correct?

10:05AM 24 A. Yes.

10:05AM 25 Q. They -- they took down some notes, they jotted down some

10:05AM 1 things, true?

10:05AM 2 A. True.

10:05AM 3 Q. And during that interview, they indicated to you they'd
10:05AM 4 keep in touch with you, correct?

10:05AM 5 A. Yes.

10:05AM 6 Q. All right. And that was a location that you had picked
10:05AM 7 to -- where you wanted to meet with them, correct?

10:05AM 8 A. Yes, because they called me every single day.

10:05AM 9 Q. Yes or no to my question.

10:05AM 10 A. Yes.

10:05AM 11 Q. That was your choice, correct?

10:05AM 12 A. Yes.

10:05AM 13 Q. And so they met you on your terms, right?

10:06AM 14 A. Yes.

10:06AM 15 Q. And then you went into grand jury not too long after
10:06AM 16 that, correct?

10:06AM 17 A. Yes.

10:06AM 18 **MR. TRIPI:** One moment.

10:06AM 19 **BY MR. TRIPI:**

10:06AM 20 Q. I think we just looked at a moment ago, looking at 3562A,
10:06AM 21 grand jury wasn't too much -- didn't follow that interaction
10:07AM 22 with the agents by too much time, correct?

10:07AM 23 A. I don't understand the question.

10:07AM 24 Q. You testified in grand jury a couple months later, about
10:07AM 25 September; does that sound about right?

10:07AM 1 A. Safe to say.

10:07AM 2 Q. Okay. And you met that day when you came to grand

10:07AM 3 jury -- at least you recall meeting Special Agent Burns that

10:07AM 4 day?

10:07AM 5 A. At grand jury? I don't think I met with Special Agent

10:07AM 6 Burns. I don't know really names. It was kind of a --

10:07AM 7 Q. Since that --

10:07AM 8 A. -- overwhelming.

10:07AM 9 Q. -- since that time, you've -- you've communicated with

10:07AM 10 Special Agent Burns, correct?

10:07AM 11 A. Yes.

10:07AM 12 Q. And he's kept in touch with you regarding scheduling,

10:07AM 13 things like that; fair to say?

10:07AM 14 A. Yes.

10:07AM 15 Q. Okay. He's been a gentleman to you, correct?

10:07AM 16 A. Yes.

10:07AM 17 Q. He's been professional?

10:07AM 18 A. He has.

10:07AM 19 Q. He's been appropriate?

10:07AM 20 A. Yes.

10:07AM 21 Q. And now, we talked about it, you went into grand jury

10:07AM 22 on -- in September and you answered questions under oath,

10:08AM 23 right?

10:08AM 24 A. I did.

10:08AM 25 Q. And we went through on Friday some of those questions and

10:08AM 1 answers that you gave under oath back then, correct?

10:08AM 2 A. Are you talking, like --

10:08AM 3 Q. On Friday when I asked you some questions, we covered --

10:08AM 4 A. I'm sorry, I thought you were recalling about the grand

10:08AM 5 jury on a Friday, and you're recalling on Friday here today?

10:08AM 6 Q. We talked on Friday --

10:08AM 7 A. Okay.

10:08AM 8 Q. -- when I stood here --

10:08AM 9 A. Yep.

10:08AM 10 Q. -- and you sat there --

10:08AM 11 A. Yes.

10:08AM 12 Q. -- and I asked you questions, and then at times we

10:08AM 13 referred to your grand jury and things you said?

10:08AM 14 A. Yes.

10:08AM 15 Q. Okay. And after that grand jury, things changed for you

10:08AM 16 in terms of how you started to view the government, correct?

10:08AM 17 A. I don't -- I wouldn't say things changed.

10:08AM 18 Q. Okay. Well, this year, in the lead-up to this trial, in

10:08AM 19 October, you started posting things to Facebook complaining

10:09AM 20 about this case; yes or no?

10:09AM 21 A. No. I have never posted about this case.

10:09AM 22 Q. I asked you a "yes" or "no" question.

10:09AM 23 A. No, I've never posted about this case.

10:09AM 24 Q. You posted letters that the defendant wrote --

10:09AM 25 A. No, I have not.

10:09AM 1 Q. Let me finish the question, ma'am, that's how this goes.

10:09AM 2 A. Okay.

10:09AM 3 Q. Okay? You posted letters to Facebook on your profile

10:09AM 4 Rudy Marie, correct?

10:09AM 5 A. Yeah. Go ahead.

10:09AM 6 Q. You have a Rudy Marie Facebook account?

10:09AM 7 A. Um-hum.

10:09AM 8 Q. Rudy Marie --

10:09AM 9 **THE COURT:** One at a time. Wait -- wait until the
10 question is finished before you start answering.

10:09AM 11 Mr. Tripi, please wait for the answer to be finished
12 before you start asking another question.

10:09AM 13 **BY MR. TRIPI:**

10:09AM 14 Q. Rudy Marie is you, correct?

10:09AM 15 A. Yes.

10:09AM 16 Q. And you posted letters that Mr. Gerace wrote on
17 October 3rd, 2024 to Facebook? Yes or no.

10:09AM 18 A. Yes.

10:09AM 19 Q. And you posted the letters and you -- you gave an
20 explanation to your Facebook followers that this letter was
21 going to the Boston Globe, senators, congressmen and women,
22 MSNBC, USA Today, New York Times, and many others. You said
23 that, correct?

10:10AM 24 A. Yes.

10:10AM 25 Q. And in the letter, it was defendant's view and his rant

1 about complaints about his case, and specifically the
2 prosecutors, true?

3 **MR. SOEHNLEIN:** Objection, Judge.

4 **THE COURT:** Sustained to the form of the question.

5 **BY MR. TRIPI:**

6 Q. It was the defendant's complaints about prosecutors on
7 his case, correct?

8 A. The letters?

9 Q. Yes.

10 A. Yes.

11 Q. And you posted that. You advertised that to the --

12 A. I did not advertise that --

13 Q. -- people --

14 **THE COURT:** One -- one at a time, please.

15 **BY MR. TRIPI:**

16 Q. When I'm speaking, you need to wait.

17 A. I will.

18 Q. You posted that to as many people as -- as you could,
19 correct?

20 A. Not as many people as I could. I have friends on
21 Facebook. Only to my friends. It wasn't a public post.

22 Q. Well, let's talk about some of your friends on Facebook
23 then. As of that date --

24 **MR. SOEHNLEIN:** Object.
25

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BY MR. TRIPI:

Q. -- some of your friends on Facebook included Linda Gerace, the defendant's mom, right?

MR. SOEHNLEIN: I'm sorry. Relevance, Judge.

THE COURT: Overruled.

BY MR. TRIPI:

Q. It included the defendant's mom, Linda Gerace, correct?

A. Yes.

Q. It included Peter Gerace, correct? This defendant?

A. Sure, yes.

Q. It included his brother, David Gerace, correct?

A. Yes.

Q. It included a whole bunch of other people, too, didn't it?

A. Yes.

Q. You have a lot of Facebook friends, right?

A. About a thousand.

Q. And you were hoping those thousand would further circulate his complaints, true?

A. No.

Q. Okay. So you just posted it willy-nilly?

A. Sure did.

Q. Okay. When you were waiting to testify, even though the government was going to call you on Friday, in the hallway you sat with the defendant's mom and dad, correct?

10:11AM 1 A. Are you talking about today or yesterday?

10:11AM 2 Q. Friday.

10:12AM 3 A. Oh, yes, I was talking about my son and Christmas.

10:12AM 4 Q. Okay. My question -- do you remember what my question
10:12AM 5 was?

10:12AM 6 A. If I sat with them?

10:12AM 7 Q. Okay. What's the answer to that?

10:12AM 8 A. I sat with them briefly, yes.

10:12AM 9 Q. You laughed with them in the hallway, correct?

10:12AM 10 A. Yeah, I smiled because we're talking about my son.

10:12AM 11 Q. What was my question?

10:12AM 12 A. Yes, I smiled.

10:12AM 13 Q. You're still friends on Facebook with the defendant's
10:12AM 14 whole family, correct?

10:12AM 15 A. Yes, I'm friends with them. I don't think they're bad
10:12AM 16 people.

10:12AM 17 Q. That was a "yes" or "no" question.

10:12AM 18 A. Yes.

10:12AM 19 Q. Okay. Now, in terms of your history with the defendant,
10:12AM 20 let's talk a little bit about that.

10:12AM 21 Obviously, you had a son with him in 2006, correct?

10:12AM 22 A. Yes.

10:12AM 23 Q. The defendant supports your son financially, true?

10:12AM 24 A. True. But he's 18 now, so he no longer does that.

10:12AM 25 Q. My question is, yes or no --

10:12AM

1 A. Yes.

10:12AM

2 Q. -- the defendant supports your son financially?

10:12AM

3 A. Yes.

10:12AM

4 Q. Your son's in college now?

10:12AM

5 A. He is.

10:12AM

6 Q. Where does he go?

10:13AM

7 A. NCCC.

10:13AM

8 Q. Now, obviously, you're a mom, and your son -- your son's

10:13AM

9 father's the defendant, right?

10:13AM

10 A. Yes.

10:13AM

11 Q. We've established that by now.

10:13AM

12 Yes or no: Is it fair to say that you don't want your

10:13AM

13 son to be mad at you for the rest of his life for testifying

10:13AM

14 against his dad?

10:13AM

15 A. No. That is not fair to say.

10:13AM

16 Q. Okay. That -- that's not been part of your calculus at

10:13AM

17 all?

10:13AM

18 A. No.

10:13AM

19 Q. Okay. Now, isn't it true, ma'am, that your relationship

10:14AM

20 and the history of it with this defendant has you nervous to

10:14AM

21 testify publicly?

10:14AM

22 A. No.

10:14AM

23 Q. Isn't it true, ma'am, that you regret telling agents that

10:14AM

24 day in the park June 26th, 2020 what you did?

10:14AM

25 You -- you -- you regret telling them the things that you

1 told them, don't you?

2 A. No.

3 Q. You regret going in grand jury and telling the grand jury
4 the things that you said?

5 A. No.

6 Q. You regret those things because, as you sit here now,
7 you're scared and defensive?

8 A. No, I am not scared.

9 Q. Well, you were aware of the defendant's grandfather's
10 reputation for being involved in organized crime, correct?

11 A. Was I aware of that?

12 Q. Yes. You were aware of that as you sat with agents
13 June 20th, 2020, correct?

14 A. Yes.

15 Q. You were aware of his family's reputation for connections
16 to organized crime when you went in grand jury in 2020,
17 correct?

18 A. Yes.

19 Q. You told the agents that day, June 26th, 2020, you're
20 still scared as you sat with them in the park, correct?

21 A. I don't think I said that, no.

22 Q. All right. We're gonna show you 3562B, and I'm going to
23 have you read page 1.

24 **MR. TRIPI:** This is just for the witness.

25

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BY MR. TRIPI:

Q. Let me ask you a few questions before you read, and then I'll have you read it and see if we can refresh your recollection.

Ms. R.A., if you can look at me for just a second, I have one more question and then I'll refresh your memory.

Earlier we established the agents sat with you and they were jotting down notes, correct?

A. Yes.

Q. And those notes made their way into a report, correct?

A. Yes.

Q. Okay. Now take a look, read page 1 to yourself, and then I'm going to ask my question again.

MR. TRIPI: And, Ms. Champoux, while she's reading, can you highlight the last sentence of the second-to-last paragraph for her? The last sentence of that paragraph.

Highlight, not zoom.

THE WITNESS: Okay. I see it.

BY MR. TRIPI:

Q. Keep reading.

A. Okay.

Q. We're going to go to page 2 now and let you read that.

A. I don't believe all of this was verbatim of things that I said.

Q. Just read it to yourself --

1 A. Okay.

2 Q. -- and let us know when you're done.

3 A. I'm done.

4 **MR. TRIPI:** Okay. We can take that down.

5 **BY MR. TRIPI:**

6 Q. Now "yes" or "no" to my question: Isn't it true that you

7 expressed to agents multiple times on June 26th, 2020, that

8 you were still scared of that defendant as you sat there at

9 the picnic bench in the park? "Yes" or "no" --

10 A. I don't --

11 Q. -- are the only words that should come out of your mouth.

12 **MR. SOEHNLEIN:** Objection. Argumentative.

13 **MR. TRIPI:** No, I'm allowed to control the witness.

14 **THE COURT:** You are --

15 **THE WITNESS:** Are you?

16 **THE COURT:** Stop. Stop, please.

17 If counsel asks for a "yes" or "no" answer, then your

18 answer has to be either "yes," "no," or "I can't answer yes or

19 no." Okay?

20 **THE WITNESS:** I can't answer "yes" or "no",

21 Mr. Tripi.

22 **BY MR. TRIPI:**

23 Q. And it may be understandable, but you're still scared as

24 you sit here today, aren't you?

25 A. No.

1 Q. Well, you know the defendant has connections to the
2 Outlaws, correct?

3 You've talked about him riding with the Outlaws before,
4 correct?

5 A. Yes.

6 Q. Okay. You know his entire family has a reputation for
7 being connected to organized crime, correct?

8 **MR. SOEHNLEIN:** Objection. Entire family.

9 **THE COURT:** Yeah, sustained.

10 **BY MR. TRIPI:**

11 Q. You know his family and him have connections to organized
12 crime, correct?

13 **MR. SOEHNLEIN:** Objection.

14 **THE WITNESS:** I can't answer "yes" or "no" to that.

15 **THE COURT:** Stop. Stop. Stop.

16 Sustained.

17 Please pause before you start answering. So let him
18 finish and pause so I can rule, okay?

19 That question was improper, so he's got to ask
20 another one.

21 Sustained.

22 The jury will strike any answer that was given.

23 **BY MR. TRIPI:**

24 Q. On June 26th, 2020, you reported to the agents, quote,
25 Peter always talked about it, it's on the internet, it's well

1 known who they are, correct?

2 **MR. SOEHNLEIN:** Objection.

3 **THE COURT:** Sustained.

4 **MR. TRIPI:** Your Honor, may I come up on that?

5 **THE COURT:** Yeah, come on up.

6 (Sidebar discussion held on the record.)

7 **MR. TRIPI:** So, Judge, this -- this is, in my view, a
8 proper oral impeachment. It's not hearsay, because I'm
9 impeaching her with -- with things that's she's denying now
10 and things she said orally to agents.

11 So if she denies that she said his family or him were
12 in organized crime, and she's previously said it, it's not for
13 its truth, but it's to impeach her under Rule 607 and all of
14 those other rules.

15 So I'm not -- a limiting instruction would be
16 appropriate, but she has said those things.

17 **MR. SOEHNLEIN:** But that's not her statement, and she
18 said that it's not accurate, so there's nothing to impeach her
19 with.

20 **THE COURT:** And you can't quote from the document.
21 My problem is if it's a quote.

22 **MR. TRIPI:** If there are quotes -- if there are
23 quotes from -- from an agent.

24 **MR. SOEHNLEIN:** No.

25 **THE COURT:** You can't quote from a document. You can

1 ask her if she said that.

2 **MR. TRIPI:** Well, I've done that. Fine, I'll do it
3 that way.

4 **THE COURT:** Yeah.

5 **MR. SOEHNLEIN:** Yeah.

6 **THE COURT:** You can't -- can't quote a document.

7 **MR. SOEHNLEIN:** And you can't cross-examine her with
8 that, it's not her statement.

9 **MR. TRIPI:** I can use it to form whatever questions I
10 want, that's how I know what happens at the meeting.

11 **THE COURT:** As long as you don't read from the
12 document or give the jury the impression that you're reading
13 from a document --

14 **MR. TRIPI:** Sure, okay.

15 **THE COURT:** -- because it's not a -- it's not her
16 statement.

17 **MR. TRIPI:** But --

18 **THE COURT:** This is usually the argument that you're
19 making to me.

20 **MR. TRIPI:** Well, that goes to -- that goes to your
21 instruction that questions not evidence, and you instruct the
22 jury on that.

23 My questions not evidence. It's the question and the
24 answer.

25 **THE COURT:** You can't --

1 **MR. TRIPI:** That was the buzzword that -- I'm -- I'm
2 just trying to understand.

3 **THE COURT:** You can't quote from the document.

4 **MR. TRIPI:** Okay.

5 (End of sidebar discussion.)

6 **THE COURT:** The objection is sustained. Ask the next
7 question, please.

8 **BY MR. TRIPI:**

9 Q. You told the agents that the defendant's family is
10 involved in organized crime, and he would talk about rats and
11 snitches, correct?

12 **MR. SOEHNLEIN:** Objection.

13 **THE COURT:** Overruled.

14 You said that: "Yes," "no," or "I can't answer yes
15 or no."

16 **THE WITNESS:** I can't answer yes or no.

17 **BY MR. TRIPI:**

18 Q. All right. Any question where a yes answer would hurt
19 him, are -- you're gonna say you don't remember or you can't
20 answer; isn't that true?

21 **MR. SOEHNLEIN:** Objection.

22 **THE COURT:** Sustained. Sustained. Sustained.

23 **THE WITNESS:** No.

24 **BY MR. TRIPI:**

25 Q. You know and have reported that the defendant gave

10:22AM 1 cocaine to dancers to engage in threesomes at Pharaoh's,

10:22AM 2 correct?

10:22AM 3 A. I can't answer yes or no to that, sir.

10:22AM 4 Q. Well, you've previously reported that, too, haven't you?

10:22AM 5 A. I reported it? I never -- I don't even know what

10:22AM 6 questions were asked of me in that park.

10:22AM 7 Q. Okay. So you said that before?

10:22AM 8 A. Excuse me?

10:22AM 9 Q. You've said that before?

10:22AM 10 A. I don't know if I said it before.

10:22AM 11 Q. Now, turning to Mr. Bongiovanni just for a moment, you

10:22AM 12 were asked a little bit about him today, correct?

10:22AM 13 A. Yes.

10:22AM 14 Q. Now --

10:22AM 15 A. Yes.

10:22AM 16 Q. -- you've seen Mr. Bongiovanni several times, correct?

10:23AM 17 A. Several times, when?

10:23AM 18 Q. In your life?

10:23AM 19 A. Yes.

10:23AM 20 Q. You've seen him at SoHo?

10:23AM 21 A. Yes.

10:23AM 22 Q. You've seen him at Pharaoh's?

10:23AM 23 A. I've never seen him at Pharaoh's.

10:23AM 24 Q. Okay. We'll get back to that in a second.

10:23AM 25 A. Okay.

10:23AM 1 Q. You've been to Ellicottville with him?

10:23AM 2 A. Yes.

10:23AM 3 Q. You've been out to dinner with him and his girlfriend and

10:23AM 4 the defendant?

10:23AM 5 A. Yes.

10:23AM 6 Q. Now, it's your claim today that you never saw Bongiovanni

10:23AM 7 at Pharaoh's?

10:23AM 8 A. No.

10:23AM 9 Q. On June 26th, 2020, you told the agents that Bongiovanni

10:23AM 10 frequented Pharaoh's?

10:23AM 11 A. Is this in the park again?

10:23AM 12 Q. Yeah, June 26th, 2020 --

10:24AM 13 A. I don't remember what happened in the park, sir.

10:24AM 14 Q. Please, can I just finish my question?

10:24AM 15 A. Sure.

10:24AM 16 Q. On June 26th, 2020, you told the agents that Bongiovanni

10:24AM 17 frequented Pharaoh's, correct?

10:24AM 18 A. I don't know. I can't answer yes or no to that.

10:24AM 19 I was also asked that in the Bongiovanni trial.

10:24AM 20 And the prosecution used that -- well, I wouldn't know

10:24AM 21 what was going on.

10:24AM 22 **MR. TRIPI:** Move to strike.

10:24AM 23 **THE COURT:** Stop.

10:24AM 24 **MR. TRIPI:** Move to strike everything in that answer.

10:24AM 25 **THE COURT:** Yeah. All that -- all that's struck.

Ma'am, just please -- just answer the questions,
please.

BY MR. TRIPI:

Q. So regarding Katrina Nigro, you stopped hanging around
her sometime in 2005, correct?

A. Yes.

Q. You didn't really see Katrina Nigro much when Peter dated
her, correct?

A. I didn't see her much? I had to see her usually every
time there was a drop-off or at my son's baseball games. So,
yes, I saw her frequently.

MR. TRIPI: Ms. Champoux, can we pull up for the
witness only Exhibit 3562K, page 71. We're gonna go lines 12
through 21.

Actually, no, we don't have to pull it up, I'm just
going to use it.

Counsel, we'll be at page 71, lines 12 through 21.

MR. SOEHNLEIN: I'm sorry, Joe, the exhibit number?

MR. TRIPI: I'm sorry, it's 3562K, page 71, lines 12
through 21.

BY MR. TRIPI:

Q. Now, you testified at a proceeding under oath in that
same chair back on September 13th, 2024, correct?

A. Yes.

Q. And during that proceeding, Mr. Cooper was asking you

1 some questions for the government; do you remember that?

2 A. Yes.

3 Q. And on that day, you were asked these questions and you
4 gave these answers under oath:

5 "Question: So when Peter was dating Katrina Nigro, what
6 type of interactions did you have with Ms. Nigro during that
7 period?

8 "Answer: I didn't have the best interactions with her,
9 but I'd have to be civil with her because she was with my son
10 and she was with Peter.

11 "Question: And how often would you see Ms. Nigro during
12 that period?

13 "Answer: I really didn't see her very often. It was
14 more like phone conversations or through Messenger. And
15 through -- truthfully, I really didn't, I would prefer not to
16 talk to her, I would rather talk to Peter."

17 Were you asked those questions, did you give those
18 answers?

19 A. I was. And yes, I gave those answers.

20 Q. Okay. So my question today was: You really didn't see
21 Katrina Nigro much? The answer to that is yes?

22 A. Excuse me? Say that again.

23 Q. You didn't really see Katrina Nigro much when they dated?
24 And the answer to that, like you said before, is yes?

25 A. Yes.

1 Q. Okay.

2 A. There were times when I had to see her, sir.

3 **MR. TRIPI:** Stop.

4 Move to strike the extraneous comment, Judge.

5 **THE COURT:** It's stricken.

6 **BY MR. TRIPI:**

7 Q. You didn't have any interactions with Katrina Nigro
8 inside Pharaoh's, correct?

9 A. No.

10 Q. On Friday we established from essentially 2007 on, you
11 didn't go to Pharaoh's, correct?

12 A. No.

13 Q. Yes or no, just to clarify it: You didn't go to
14 Pharaoh's from 2007 on, correct?

15 A. No.

16 Q. When did you go to Pharaoh's in there? Because Friday
17 you said from basically 2007 on, you didn't go to Pharaoh's.

18 A. I didn't go to Pharaoh's --

19 Q. Okay. We're --

20 A. -- from 2007 on.

21 Q. -- we're talking past each other.

22 A. Okay.

23 Q. From 2007 on --

24 A. Yes.

25 Q. -- am I correct in saying you did not go to Pharaoh's?

10:27AM

1 A. Yes.

10:27AM

2 Q. Okay.

10:27AM

3 A. You're correct in saying that.

10:27AM

4 Q. All right. And, so, during the times that you were not

10:28AM

5 at the club, you don't know what Katrina Nigro saw or did,

10:28AM

6 correct?

10:28AM

7 A. I don't know.

10:28AM

8 Q. Okay. You don't know what other people saw or did, fair?

10:28AM

9 A. Fair.

10:28AM

10 Q. Your interactions with Katrina Nigro were limited to 2015

10:28AM

11 and 2016, and in that context was mostly talking about your

10:28AM

12 son, correct?

10:28AM

13 A. Yes.

10:28AM

14 Q. Your conversations with Katrina Nigro, though, even so,

10:28AM

15 were few and far between?

10:28AM

16 A. I don't know what "few and far between" mean.

10:28AM

17 Like, how many interactions are you speaking of?

10:28AM

18 Q. All right.

10:28AM

19 A. Can you be more specific? Thank you.

10:28AM

20 Q. All right. You testified on September 13th, 2024 when

10:28AM

21 Mr. Cooper asked you these -- this question, you gave this

10:29AM

22 answer:

10:29AM

23 "Question: Would you have conversations with her?

10:29AM

24 "Answer: --

10:29AM

25 **THE COURT:** Can we have a line and --

10:29AM 1 **MR. TRIPI:** Oh, I thought I said 3 and 4. Page 73,

10:29AM 2 lines 3 and 4.

10:29AM 3 **BY MR. TRIPI:**

10:29AM 4 Q. "Question: Would you have conversations with her?

10:29AM 5 "Answer: Yeah, but they were far and few between."

10:29AM 6 Were you asked that question and did you give that answer

10:29AM 7 back in September?

10:29AM 8 A. If it is on the record, then I would assume that I said

10:29AM 9 that. And it probably was few and far between.

10:29AM 10 You asked me, I asked you, what -- what would that

10:29AM 11 constitute as? That was all.

10:29AM 12 Q. So you were asked that question, and you gave that

10:29AM 13 answer?

10:29AM 14 A. Yes.

10:29AM 15 Q. Now, we just talked about from 2007, on. But from 2009

10:29AM 16 to 2016, when Ms. Nigro was around Pharaoh's, you were not,

10:29AM 17 correct?

10:29AM 18 A. I wasn't.

10:30AM 19 Q. You weren't there at all during that timeframe, correct?

10:30AM 20 A. No.

10:30AM 21 Q. You were not there speaking with customers, correct?

10:30AM 22 A. No.

10:30AM 23 Q. So, correct?

10:30AM 24 A. Correct.

10:30AM 25 Q. You were not there speaking with staff, correct?

10:30AM 1 A. Correct.

10:30AM 2 Q. You were not there speaking with other dancers, correct?

10:30AM 3 A. I wasn't there speaking with other dancers.

10:30AM 4 Q. Correct?

10:30AM 5 A. Yeah, correct.

10:30AM 6 Q. You weren't there talking about Katrina Nigro with

10:30AM 7 customers between 2009 and 2016, correct?

10:30AM 8 A. No.

10:30AM 9 Q. Correct?

10:30AM 10 A. Correct.

10:30AM 11 Q. Okay. You weren't there speaking with other staff at

10:30AM 12 Pharaoh's between 2009 and 2016, correct?

10:30AM 13 A. Correct.

10:30AM 14 Q. You weren't there speaking with other dancers about

10:30AM 15 Katrina Nigro between 2009 and 2016, correct?

10:30AM 16 A. Correct.

10:30AM 17 Q. And, I mean, you had moved on with your life. You

10:31AM 18 started another family, correct?

10:31AM 19 A. Yes.

10:31AM 20 Q. You bettered yourself, you got education, you got a good

10:31AM 21 job, correct?

10:31AM 22 A. Correct.

10:31AM 23 Q. That process, that time of your life, you're trying to

10:31AM 24 leave Pharaoh's and all of that behind you; is that fair?

10:31AM 25 A. That's fair.

10:31AM 1 Q. So you're not spending a lot of time in your life during
10:31AM 2 that window worrying about Katrina Nigro and going around
10:31AM 3 talking about her with other people, correct?

10:31AM 4 A. Correct.

10:31AM 5 Q. You certainly didn't go there in Pharaoh's between 2009
10:31AM 6 and 2016 with someone like Ms. Sawyer and have them write
10:31AM 7 down what people would say about Ms. Nigro, correct?

10:31AM 8 A. Correct.

10:31AM 9 Q. And you didn't walk through and take notes about what
10:31AM 10 people might have to say about her, correct?

10:31AM 11 A. Correct.

10:31AM 12 Q. Okay. And that didn't happen at any point between 2009
10:31AM 13 and 2018, correct?

10:31AM 14 A. Correct.

10:31AM 15 Q. Or ever. You've never done that.

10:31AM 16 A. No.

10:31AM 17 Q. Okay. I just have a few more questions, okay?

10:32AM 18 A. Yes.

10:32AM 19 Q. Just to put a finer point on some things that we've
10:32AM 20 covered.

10:32AM 21 Fair to say you know the defendant and his whole family,
10:32AM 22 you know them well, correct?

10:32AM 23 A. Yes.

10:32AM 24 Q. We've talked about it, I'll ask just one more time.

10:32AM 25 You knew the reputation of his grandfather?

10:32AM 1 MR. SOEHNLEIN: Object.

10:32AM 2 THE COURT: Sustained.

10:32AM 3 MR. TRIPI: Asked and answered, Judge?

10:32AM 4 THE COURT: Yes.

10:32AM 5 BY MR. TRIPI:

10:32AM 6 Q. Okay. You knew he had friends that were in the Outlaws,
10:32AM 7 correct?

10:32AM 8 MR. SOEHNLEIN: Objection.

10:32AM 9 THE COURT: Sustained.

10:32AM 10 BY MR. TRIPI:

10:32AM 11 Q. You knew he had a friend that was a DEA agent, correct?

10:32AM 12 MR. SOEHNLEIN: Objection.

10:32AM 13 THE COURT: Sustained.

10:32AM 14 BY MR. TRIPI:

10:32AM 15 Q. You knew he had a friend that was a New York State
10:32AM 16 Supreme Court judge? This was not asked. Correct?

10:32AM 17 MR. SOEHNLEIN: Objection. I think it was.

10:32AM 18 THE COURT: I'm not sure, so I'll allow it.

10:32AM 19 MR. TRIPI: A little leeway here, Judge. I'm
10:33AM 20 wrapping up.

10:33AM 21 THE COURT: Yeah.

10:33AM 22 BY MR. TRIPI:

10:33AM 23 Q. You knew he had a friend who was a New York State Supreme
10:33AM 24 Court judge?

10:33AM 25 A. I'm not sure if he was a judge yet. I think maybe he was

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1 a lawyer.

2 Q. When he married you, he was a judge, correct? You were

3 in his chambers for that?

4 A. Yes.

5 Q. Okay. So you knew he had a judge friend, correct?

6 A. Yes.

7 Q. You knew he had lawyer friends, correct?

8 A. Yes.

9 Q. You knew he had police officer friends, correct?

10 A. Yes.

11 Q. You knew that he was good friends with the Buffalo police

12 commissioner, and he was the godfather of the commissioner's

13 daughter, correct?

14 A. Yes.

15 Q. You knew he had friends in the New York State Police,

16 correct?

17 A. I don't think so.

18 Q. You knew he had friends in the Amherst police, correct?

19 A. No, I did not know that.

20 Q. You knew he had a lot of friends, correct?

21 A. Yes, he had a lot of friends.

22 Q. You knew he was connected, and you were rightly scared to

23 testify against him?

24 A. No.

25 **THE COURT:** Sustained. Sustained. Sustained.

10:33AM 1 MR. TRIPI: One moment, Judge.

10:34AM 2 No further cross, I guess.

10:34AM 3 THE COURT: Mr. Soehnlein?

10:34AM 4 MR. SOEHNLEIN: Very brief. Two or three questions.

10:34AM 5

10:34AM 6 RECROSS-EXAMINATION BY MR. SOEHNLEIN:

10:34AM 7 Q. Ms. R.A., there was some testimony about the meeting in
10:34AM 8 the park in June of 2020; do you recall that?

10:34AM 9 A. Yes.

10:34AM 10 Q. And I think you started to testify, it might have got cut
10:34AM 11 off, about the number of times that law enforcement contacted
10:34AM 12 you before that meeting?

10:34AM 13 A. Yes.

10:34AM 14 Q. How many times?

10:34AM 15 A. Oh, I couldn't count how many times.

10:34AM 16 Q. Would you be able to estimate for us?

10:34AM 17 A. Between them coming to my mom's house, and calling my
10:34AM 18 phone, probably at least 10, 12 times.

10:34AM 19 Q. Okay.

10:34AM 20 A. Once a day sometimes.

10:34AM 21 Q. Okay. And you talked about they came to your mom's
10:34AM 22 house, correct?

10:34AM 23 A. Um-hum.

10:34AM 24 Q. And they called your phone?

10:34AM 25 A. Yes.

10:34AM 1 Q. And they went to your work?

10:34AM 2 A. Yes.

10:34AM 3 Q. And they came to your house?

10:35AM 4 A. Yes.

10:35AM 5 Q. And that all led up to that meeting, correct?

10:35AM 6 A. Yes.

10:35AM 7 Q. And I think that Mr. Tripi showed you some -- some notes
10:35AM 8 from that meeting; do you recall that?

10:35AM 9 A. Yes.

10:35AM 10 Q. You didn't prepare those notes, correct?

10:35AM 11 A. I didn't prepare those notes.

10:35AM 12 Q. And you don't know who prepared those notes?

10:35AM 13 A. No.

10:35AM 14 Q. You had never seen those before?

10:35AM 15 A. I have never seen those before.

10:35AM 16 Q. And nobody showed them to you afterwards and said, hey,
10:35AM 17 are these accurate?

10:35AM 18 A. No, I've never seen them until today.

10:35AM 19 Q. Okay. Now, there was some questions about your
10:35AM 20 interactions with Ms. Nigro from 2009 to 2018, correct?

10:35AM 21 A. Yes.

10:35AM 22 Q. Do you recall that? What interactions did you have with
10:35AM 23 Ms. Nigro --

10:35AM 24 **MR. TRIPI:** Objection.

10:35AM 25 **MR. SOEHNLEIN:** -- in that period?

10:35AM 1 **MR. TRIPI:** It's beyond the scope of the permissible
10:35AM 2 bounds of the rule.

10:35AM 3 **THE COURT:** No. Overruled.

10:35AM 4 **BY MR. SOEHNLEIN:**

10:35AM 5 Q. What interactions did you have with Ms. Nigro in that
10:35AM 6 time period, 2009 to 2018?

10:35AM 7 A. Maybe on -- well, mostly on Messenger or on Facebook, or
10:35AM 8 what I've seen on Facebook.

10:35AM 9 Q. Okay. And -- and -- and Messenger, you're talking about
10:36AM 10 Facebook Messenger?

10:36AM 11 A. Yes.

10:36AM 12 Q. Social media, correct?

10:36AM 13 A. Yes.

10:36AM 14 Q. Would she message you in that time?

10:36AM 15 A. Yes.

10:36AM 16 Q. Okay. And you're talking about -- Facebook, you're
10:36AM 17 talking about her Facebook page?

10:36AM 18 A. Yes.

10:36AM 19 Q. And things that she would post on Facebook, correct?

10:36AM 20 A. Yes.

10:36AM 21 Q. Correct? And all of that information forms the basis for
10:36AM 22 your opinion of her, correct?

10:36AM 23 A. Absolutely.

10:36AM 24 Q. Okay. And Facebook, that's a -- a public forum, social
10:36AM 25 media, correct?

1 A. Yes.

2 Q. And I think there was some questions from Mr. Tripi, when
3 you put something on Facebook presumably you want other
4 people to see it, correct?

5 A. Yes.

6 Q. So based on that, what you saw that Ms. Nigro was
7 posting, it's your belief that those are things about her
8 that she wanted people to see, correct?

9 A. Yes.

10 **MR. TRIPI:** Objection.

11 **THE COURT:** Leading?

12 **MR. TRIPI:** That, and speculative. When I asked the
13 witness about what her intent was, that's one thing.

14 **THE COURT:** Yeah. Sustained. Sustained. Sustained.

15 **MR. SOEHNLEIN:** That -- that -- if I may just have
16 one more minute? I may very well be done.

17 One final thing. Ms. Champoux, can you pull up
18 3562K, please?

19 **THE COURT:** Just for the witness?

20 **MR. SOEHNLEIN:** Just for the witness at page 72,
21 lines 18 to 23, please.

22 **MR. TRIPI:** Probably going to be a hearsay objection
23 here, Your Honor.

24 **THE COURT:** I'm sorry?

25 **MR. TRIPI:** There's likely going to be a hearsay

1 objection, Your Honor, just to preview it for you.

2 **MR. SOEHNLEIN:** Your Honor, this her trial testimony,
3 and the prosecution had read lines to her to impeach her. I
4 just want to read the next line. That's all.

5 **MR. TRIPI:** I -- I object under hearsay.

6 **THE COURT:** Hang on. What lines are you talking
7 about?

8 **MR. SOEHNLEIN:** Page 72, 18 to 23.

9 **THE COURT:** Can you take that down? Can you take
10 that --

11 What did the government ask?

12 **MR. SOEHNLEIN:** The paragraph directly above it. I
13 forget the direct lines, the page before.

14 **MR. TRIPI:** I can give you the page, Judge, if it's
15 helpful. Give me just a second.

16 **MS. CHAMPOUX:** You didn't do that page.

17 **MR. TRIPI:** Yeah, I don't think I did that page at
18 all. I did page 71 and 73, Judge.

19 **MR. SOEHNLEIN:** And this is page 72.

20 **THE COURT:** Why don't you come up.

21 (Sidebar discussion held on the record.)

22 **MR. TRIPI:** Actually, Judge, I did 72, 1 through 4.

23 **THE COURT:** Why can't you ask her those questions and
24 not ask her whether she said it before or not?

25 **MR. SOEHNLEIN:** That's fine, I'll do it. She said

1 it. The impact, though, is that, you know, the government
2 points to a statement before and a statement after, and
3 implies that she's being untruthful.

4 But the statement in the middle is --

5 **MR. TRIPI:** I'm not implying.

6 **MR. SOEHNLEIN:** -- is right -- right on point with
7 what she's testified to today.

8 **MR. TRIPI:** My question was: You didn't really see
9 Katrina much when Peter dated her.

10 She admitted as much on page 71. And then --

11 **THE COURT:** I'm going to allow it. I think that it
12 completes the narrative. I think that it's -- it's fair to
13 let it come in, even -- even as --

14 **MR. TRIPI:** 106?

15 **THE COURT:** -- yeah.

16 **MR. TRIPI:** Can I get the lines you're going to allow
17 just to --

18 **THE COURT:** I'm going to allow --

19 **MR. SOEHNLEIN:** 18 to 23, Judge?

20 **THE COURT:** -- yeah, 18 to 23.

21 **MR. SOEHNLEIN:** Thank you.

22 (End of sidebar discussion.)

23 **THE COURT:** Okay. So the objection is overruled.

24 **BY MR. SOEHNLEIN:**

25 Q. Ms. Nigro (sic), on September 13th, 2024, you gave

1 testimony in another proceeding, correct?

2 A. Yes.

3 Q. And -- and you were under oath at that time, correct?

4 A. Yes.

5 Q. And did -- did you give -- were you asked this question
6 and did you give this answer:

7 "Question: How often would you see Peter to visit your
8 son?

9 "Answer: On a weekly basis.

10 "Question: And during these times that you would
11 interact with Peter, I think you testified that you also
12 interacted with Katrina sometimes?

13 "Answer: Yes."

14 A. Yes.

15 Q. Okay. Now, is that the same testimony that Mr. Tripi had
16 read to you earlier today?

17 A. No.

18 **MR. TRIPI:** Objection.

19 **THE COURT:** Hang on.

20 **MR. SOEHNLEIN:** Strike that.

21 **THE COURT:** Sustained. Go ahead, ask another
22 question.

23 **BY MR. SOEHNLEIN:**

24 Q. Is that the same date and same transcript that Mr. Tripi
25 had read to you earlier?

10:42AM 1 **MR. SOEHNLEIN:** Well, I'm sorry, that's -- can we
10:42AM 2 come up?

10:42AM 3 **THE COURT:** Yeah, come on up.

10:42AM 4 (Sidebar discussion held on the record.)

10:42AM 5 **MR. SOEHNLEIN:** I mean, it may -- it's not reflected
10:42AM 6 in the notes at all that the defense was calling her, at least
10:42AM 7 not to my knowledge. It wasn't us. To the extent that
10:42AM 8 there's some suggestion that it's me or Mark, I -- you know --

10:42AM 9 **MR. TRIPI:** I said the defendant on June 26th.

10:42AM 10 **MR. SOEHNLEIN:** It was the defendant? Oh, I thought
10:42AM 11 that you said the defense.

10:42AM 12 **MR. TRIPI:** No, the defendant.

10:42AM 13 **MR. SOEHNLEIN:** I thought you said that it was
10:42AM 14 counsel.

10:42AM 15 **MR. TRIPI:** No.

10:42AM 16 **MR. SOEHNLEIN:** Okay. Then I have less of a problem
10:42AM 17 with it. So --

10:42AM 18 **THE COURT:** Withdraw the objection?

10:42AM 19 **MR. SOEHNLEIN:** I withdraw the objection. I thought
10:43AM 20 he said the defense, like it was me and Foti.

10:43AM 21 **THE COURT:** No, he said the defendant.

10:43AM 22 (End of sidebar discussion.)

10:43AM 23 **THE COURT:** The objection is withdrawn; is that
10:43AM 24 correct?

10:43AM 25 **MR. SOEHNLEIN:** Yes.

MR. TRIPI: I think the question was answered, too,
Judge, so I'll move on.

THE COURT: Great.

BY MR. TRIPI:

Q. And before your testimony, during the course of the lead-up of this trial, you've communicated with the defendant, correct?

A. Yes.

MR. TRIPI: Nothing further, Judge.

THE COURT: Anything more, Mr. Soehnlein?

MR. SOEHNLEIN: Nothing more, Judge.

THE COURT: Okay. You can step down, ma'am.

THE WITNESS: Thank you.

(Witness excused at 10:43 a.m.)

(Excerpt concluded at 10:43 a.m.)

* * * * *

CERTIFICATE OF REPORTER

In accordance with 28, U.S.C., 753(b), I certify that these original notes are a true and correct record of proceedings in the United States District Court for the Western District of New York on December 9, 2024.

s/ Ann M. Sawyer
Ann M. Sawyer, FCRR, RPR, CRR
Official Court Reporter

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EXCERPT - EXAMINATION OF R.A. (PW 6) - DAY 2

DECEMBER 9, 2024

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